

THE CHAIRMAN: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

When the Committee of the Whole agreed to a motion to rise that day, the Chairman reported that the Committee had come to no resolution on H.R. 2681. The Committee of the Whole considered the measure again on the following day. On Mar. 24, 1949, the House again resolved into the Committee of the Whole for further consideration of H.R. 2681.⁽²⁾ Subsequently, Mr. Olin E. Teague, of Texas, moved that the Committee rise and report back to the House with the recommendation that the enacting clause be stricken, creating a parliamentary situation that Mr. Francis H. Case, of South Dakota, suggested was similar to that prevailing on Mar. 22, 1949. This time, however, the House voted to recommit the bill to the Committee on Veterans' Affairs for further study.

§ 12. Procedures; Qualification to Offer or Oppose

Qualification to Offer Motion

§ 12.1 A Member offering a motion to strike out the enact-

2. 95 CONG. REC. 3110-15, 81st Cong. 1st Sess.

ing clause is required upon request of another Member to qualify as being opposed to the bill.

On May 6, 1950,⁽³⁾ during consideration of H.R. 7786, the general appropriation bill of 1951, Chairman Jere Cooper, of Tennessee, required a Member who offered a motion to strike the enacting clause to qualify as being opposed to the bill.

THE CHAIRMAN: The time of the gentleman from Texas has expired. All time on this amendment has expired.

MR. [HALE] BOGGS of Louisiana: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Boggs of Louisiana moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the further point of order that the gentleman has not stated that he is opposed to the bill.

THE CHAIRMAN: The gentleman from New York makes the point of order that the gentleman from Louisiana is not qualified to offer the motion. The Chair will endeavor to qualify the gentleman.

Is the gentleman from Louisiana opposed to the bill?

MR. BOGGS of Louisiana: I am, Mr. Chairman.

3. 96 CONG. REC. 6571, 81st Cong. 2d Sess.

THE CHAIRMAN: The gentleman qualifies.

The gentleman from Louisiana is recognized for 5 minutes.

§ 12.2 It is not in order for a Member in favor of a bill to offer a motion to rise and report with the recommendation that the enacting clause be stricken.

On Mar. 6, 1958,⁽⁴⁾ during consideration of H.R. 8002, providing for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations, Chairman Wilbur D. Mills, of Arkansas, stated that a Member who favors a bill may not offer a motion to rise and report the bill back to the House with instructions to strike out the enacting clause.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HOFFMAN: Would a motion be in order from a Member who is in favor of the bill, to recommit the bill with instructions that the enacting clause be stricken?

THE CHAIRMAN: That would not be in order from a Member in favor of the bill.⁽⁵⁾

4. 104 CONG. REC. 3614, 85th Cong. 2d Sess.

5. A Member rising to make a parliamentary inquiry may not under

§ 12.3 The Chair overruled the point of order that a motion to strike out the enacting clause of a bill was dilatory where the Member offering the motion stated his opposition to the bill.

On Mar. 30, 1950,⁽⁶⁾ during consideration of H.R. 7797, to provide foreign economic assistance, Chairman Oren Harris, of Arkansas, ruled on a point of order that a motion to strike out the enacting clause was dilatory:

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Fulton moves that the Committee do now rise and that the bill be reported to the House with the enacting clause stricken.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. KEEFE: Mr. Chairman, I make the point of order against the preferential motion that it is dilatory. The gentleman from Pennsylvania is not opposed to this bill and is not in good faith asking that the enacting clause

that guise offer a motion to strike out the enacting clause but must have the floor in his own right for that purpose. 8 Cannon's Precedents §2625.

6. 96 CONG. REC. 4424, 81st Cong. 2d Sess.

be stricken out; he is advocating this bill vehemently and is simply taking this means to get 5 minutes time when many others of us have been waiting for 2 days trying to get time, but in vain.

THE CHAIRMAN: The Chair would like to inquire of the gentleman from Pennsylvania [Mr. Fulton] if he is opposed to the bill?

MR. FULTON: In its present form I would be opposed to it.

THE CHAIRMAN: The Chair must accept the statement of the gentleman from Pennsylvania.

The Chair overrules the point of order and recognizes the gentleman from Pennsylvania in support of his preferential motion.

Presumptions as to Proponent's Qualification

§ 12.4 Where a motion is made that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken, the Chair assumes that the proponent favors the motion.

On May 5, 1955,⁽⁷⁾ the Committee of the Whole was considering H.R. 12, providing price supports for basic commodities, under Chairman Robert L. F. Sikes, of Florida. A point of order was raised as to the qualification of the proponent of a motion to

strike the enacting clause of the bill.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Abernethy moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The gentleman from Mississippi is recognized for 5 minutes in support of his motion.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HOFFMAN of Michigan: The gentleman from Mississippi has made a motion to strike out the enacting clause and report the bill back to the House with that recommendation. I challenge his right to speak unless he is in favor of his motion.

THE CHAIRMAN: The Chair assumes the gentleman is in favor of his motion.

§ 12.5 In recognizing a Member for a motion to strike out the enacting clause the Chair will accept the statement of that Member that he is opposed to the bill.

On Mar. 30, 1950,⁽⁸⁾ during consideration of H.R. 7797, to provide foreign economic assistance, Chairman Oren Harris, of Arkansas, ruled on a point of order that

7. 101 CONG. REC. 5774, 84th Cong. 1st Sess.

8. 96 CONG. REC. 4424, 81st Cong. 2d Sess.

a Member seeking recognition on a motion to strike the enacting clause was not acting in good faith.

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Fulton moves that the Committee do now rise and that the bill be reported to the House with the enacting clause stricken.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. KEEFE: Mr. Chairman, I make the point of order against the preferential motion that it is dilatory. The gentleman from Pennsylvania is not opposed to this bill and is not in good faith asking that the enacting clause be stricken out; he is advocating this bill vehemently and is simply taking this means to get 5 minutes time when many others of us have been waiting for 2 days trying to get time, but in vain.

THE CHAIRMAN: The Chair would like to inquire of the gentleman from Pennsylvania [Mr. Fulton] if he is opposed to the bill?

MR. FULTON: In its present form I would be opposed to it.

THE CHAIRMAN: The Chair must accept the statement of the gentleman from Pennsylvania.

The Chair overrules the point of order and recognizes the gentleman from Pennsylvania in support of his preferential motion.

Effect of Closed Rule

§ 12.6 Where a bill is being considered in the Committee

of the Whole under a rule permitting only committee amendments, any Member may offer a motion during the stage of amendment that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

On June 29, 1951,⁽⁹⁾ a motion that the Committee of the Whole rise and report to the House with the recommendation that the enacting clause be stricken out was offered during consideration of House Joint Resolution 278, to continue for a temporary period the Defense Production Act of 1950 and the Housing and Rent Act of 1947. The joint resolution was being considered under House Resolution 294, which permitted only committee amendments and one other specified amendment.⁽¹⁰⁾

The proceedings were as follows:

MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Chairman, I offer the amendment authorized by the resolution.

The Clerk read as follows: . . .

[Debate ensued on the Cooley amendment.]

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

9. 97 CONG. REC. 7498, 82d Cong. 1st Sess.

10. See *id.* at p. 7482, for the text of this resolution.

The Clerk read as follows:

Mr. Hoffman of Michigan moves that the Committee do now rise and report the resolution back to the House with the recommendation that the enacting clause be stricken.

MR. HOFFMAN of Michigan: Mr. Chairman, the parliamentary procedure here which we have just gone through is about on a par with the way in which the price- and wage-control law which we gave the President on September 8, 1950, has been interpreted and administered by the administration; and I say that with all due respect to the rulings of the Chairman.

It was my understanding when the gentleman from North Carolina [Mr. Cooley] rose and asked consent to present an amendment that what he was doing was getting permission to offer his amendment to the amendment which is printed in the resolution. I now discover that I apparently have been negligent and did not know what was going on, because, as I understand the ruling of the Chair, all we get now is one vote on the amendment set forth in the resolution as amended by the Cooley amendment, and that we do not have an opportunity to vote on the amendment to the amendment; otherwise, of course, I would have objected. . . .

Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

THE CHAIRMAN [WILBUR D. MILLS, OF ARKANSAS]: Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE CHAIRMAN: The question is on the amendment offered by the gen-

tleman from North Carolina [Mr. Cooley].

The question was taken; and on a division (demanded by Mr. Spence) there were—ayes 143, noes 87.

MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Cooley and Mr. Deane.

The Committee again divided; and the tellers reported that there were—yeas 165, noes 106.

So the amendment was agreed to.

Parliamentarian's Note: No point of order was made against Mr. Hoffman's motion, but, if the point was made, the motion would have been held in order under Rule XXIII clause 7.

Committee Chairman as Proponent

§ 12.7 The chairman of the legislative committee from which a bill was reported, having expressed his objections to the bill and relinquished control of it, offered a motion to strike the enacting clause of the bill.

On July 5, 1956,⁽¹¹⁾ immediately after the House resolved itself into the Committee of the Whole for further consideration of H.R. 7535, to authorize federal assistance to the states and local com-

11. 102 CONG. REC. 11859, 84th Cong. 2d Sess.

munities in financing to eliminate the national shortage of classrooms, legislative committee Chairman Graham A. Barden, of North Carolina, expressed his objections, relinquished control of the bill, and later offered a motion to strike out the enacting clause.

MR. BARDEN: Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have a brief statement I should like to make to the House.

For 22 years I have done my best to be sincere and frank with the membership of this House. I propose to continue that, both in attitude and in practice.

I have very definitely reached the conclusion that the American people do not want this legislation in its present form. Certain things have happened to the bill that make it very, very obnoxious and objectionable to the people I represent.

I never have claimed to be an expert when advocating something that I was sincerely and conscientiously for. I have always felt I would be a complete flop in trying to advocate something I did not believe in and did not advocate. This bill is objectionable to me. It has so many bad features and so many things have been given priority over the consideration of the objective that we set out to accomplish that I must say, in all frankness, to the House I cannot continue in the position here of directing this bill. I feel that someone who can be fairer to the bill in its present shape than I, should handle the bill. I would have to be a much better actor than I now am to proceed in

the position of handling this piece of legislation which I cannot support and do not want to pass. For that reason, I want the House to understand my very definite position in the matter. So, with that, I think the House will understand my position and those in a position on the committee to handle the bill will have my cooperation to a certain extent, but no one need to expect any assistance from me or any encouragement for the bill. . . .

Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Barden moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. Chairman, I offer this motion to strike the enacting clause because I think it proper and in the interest of good legislation. I think it is something the majority of the Members of this House want to do, for I think the bill is now in such shape that it will in the final analysis be defeated. So, without consuming 5 minutes, I say to the House that I hope you will adopt this motion and save a lot of time. . . .

THE CHAIRMAN:⁽¹²⁾ The question is on the preferential motion offered by the gentleman from North Carolina, Mr. Barden.

MR. [MARTIN] DIES [Jr., of Texas]: Mr. Chairman, I demand tellers on this vote.

Tellers were ordered, and the Chairman appointed as tellers Mr. Barden and Mr. McConnell.

The Committee divided; and the tellers reported that there were—ayes 130, noes 148.

12. Francis E. Walter (Pa.).

So the motion was rejected.

Offering Motion to Secure Debate Time

§ 12.8 When because of a time limitation on debate a Member is unable to speak during the stage of amendment, a motion to strike out the enacting clause is sometimes used to secure time for debate.

On Feb. 23, 1940,⁽¹³⁾ during consideration of House Joint Resolution 407, regarding trade agreements, Chairman Clifton A. Woodrum, of Virginia, indicated that a Member may offer a motion to strike out the enacting clause and thereby secure time for debate when he is unable to obtain time to speak during the stage of amendment.

MR. [FRANK] CROWTHER [of New York]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Crowther moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. [LINDSAY C.] WARREN [of North Carolina]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. WARREN: Mr. Chairman, I hope that the present occupant of the chair, with the long experience he has had in presiding over the Committee of the Whole, will now come to the conclusion that the motion offered by the gentleman from New York is out of order.

The motion for the Committee to rise and strike out the enacting clause is one of the highest preferential motions that can be offered in this body. We have seen the time fixed for the closing of the debate on this particular amendment. The gentleman from New York [Mr. Crowther] had full opportunity to get recognition, or to ask for recognition, within the time fixed by the Committee itself for closing debate. In 9 cases out of 10, when this motion is offered, it is done for a frivolous purpose, and such a high motion, privileged as it is, should not be offered for this purpose; and I hope the Chair, of his own accord, will rule it out of order. . . .

THE CHAIRMAN: The Chair appreciates the fundamental proposition involved in the point of order raised by the gentleman from North Carolina [Mr. Warren]. Undoubtedly, under a strict construction of the rules of the House, the motion that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out is a motion of high order and should not be resorted to as a frivolous motion. The Chair, however, cannot blot out of his memory 17 years of service in the House in which, almost without exception, so far as the Chair knows, Members of both parties on both sides of the aisle have resorted to the motion when, because of a limitation of debate, they were unable to get time. In the particular instance the gentleman

13. 86 CONG. REC. 1883, 76th Cong. 2d Sess. See also 91 CONG. REC. 5149, 79th Cong. 1st Sess., May 26, 1945.

from New York [Mr. Crowther], the ranking minority member on the committee, who is opposed to the bill, sought to get time and the Chair had committed himself and the debate was limited. The Chair certainly does not think this would be an appropriate time to depart from the universal custom of the House, and the Chair, therefore, overrules the point of order and recognizes the gentleman from New York [Mr. Crowther].

Parliamentarian's Note: The Member making the motion must on request qualify as being opposed to the bill.

§ 12.9 Debate on a paragraph of a bill having been exhausted in the Committee of the Whole, it is in order, to secure time for debate, to move that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out if the proponent of the motion is opposed to the bill.

On Mar. 13, 1942,⁽¹⁴⁾ during consideration of the agriculture appropriations bill, 1943, Chairman Robert Ramspeck, of Georgia, overruled a point of order to the effect that a Member cannot be recognized on a motion to strike out the enacting clause if the in-

tent in offering the motion is merely to obtain time for debate.

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Clerk will report the motion.

The Clerk read as follows:

Mr. May moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The gentleman from Kentucky is recognized for 5 minutes in support of his motion.

MR. MAY: When I am through talking at the end of 5 minutes, of course, I expect to withdraw this motion, or if that permission is refused me I expect the House to vote it down.

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman from Missouri will state the point of order.

MR. MAY: Mr. Chairman, I have not yielded for a point of order.

MR. CANNON of Missouri: Mr. Chairman, I make the point of order that under the unanimous-consent agreement all time for debate has expired and the gentleman cannot be recognized on a motion to strike out the enacting clause . . . offered merely to secure time for debate.

THE CHAIRMAN: Does the gentleman from Kentucky desire to be heard on the point of order?

MR. MAY: Yes, Mr. Chairman. . . . I stated that I offered the motion to strike out the enacting clause, but that I expected at the end of my remarks to withdraw it, or if permission was not

14. 88 CONG. REC. 2439, 77th Cong. 2d Sess.

granted me to withdraw it, that I expected the Committee would vote it down. I did not ask them to vote it down. I said I would exercise a right which I have under the rules of the House to ask to withdraw a motion.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a further point of order.

THE CHAIRMAN: The gentleman from Michigan will state his further point of order.

MR. HOFFMAN: The gentleman from Kentucky has not said that he was opposed to the bill.

THE CHAIRMAN: Is the gentleman from Kentucky opposed to the bill?

MR. MAY: I am in favor of the two amendments, and I am in favor of all the reductions that have been made in these appropriations.

THE CHAIRMAN: The gentleman has not answered the Chair's question. Is the gentleman opposed to the bill?

MR. MAY: Does the Chairman mean the entire bill?

THE CHAIRMAN: Yes.

MR. MAY: I am opposed to the bill in its present form.

THE CHAIRMAN: The gentleman qualifies.

MR. CANNON of Missouri: If the Chair will indulge me further, we are now operating under a special order of the Committee of the Whole under which debate was closed at the end of an hour. The gentleman now proposes to violate the special order and concedes that is his purpose by announcing that, at the close of his remarks, he will withdraw the motion. But the gentleman is obviously out of order even had he not made that admission, as no one seriously offers a motion to strike

out the enacting clause of a bill of this character and the Chair should take judicial notice of that self-evident fact.

The proposal of the motion at this time also violates another rule of the House—a universal rule of debate in every parliamentary body in the world—that the committee shall have the right to close debate.

The proposal of my good friend the gentleman from Kentucky with whom I have served for many years and for whom I have the highest regard, is all the more flagrant in view of the fact that he could have secured time when the order was made, but made no effort to do so.

Nothing could be more unfair and more conducive of disorder or more at variance with parliamentary equity than the proposal to disrupt the program agreed upon by order of the Committee of the Whole.

The gentleman is not entitled to recognition on such a patent subterfuge.

THE CHAIRMAN: The gentleman from Kentucky qualifies. The point of order is overruled.

§ 12.10 The practice of offering motions to strike out the enacting clause of a bill merely to obtain time for debate has been criticized as an invasion of the right of the Committee of the Whole to close debate.

On Feb. 26, 1940,⁽¹⁵⁾ during consideration of H.R. 8641, a supple-

15. 86 CONG. REC. 2017–19, 76th Cong. 3d Sess. See 88 CONG. REC. 2439, 2441, 2442, 77th Cong. 2d Sess.,

mental appropriations bill, Mr. Clarence Cannon, of Missouri, stated his objections to the use of the motion to strike out the enacting clause to obtain time for debate.

MR. CANNON of Missouri: . . . One practice, however, has grown up, and is being resorted to with increasing frequency of late, which, if continued, will require some change, either in the rules themselves or preferably through the decision of some able and experienced chairman. It is the unwarranted practice of using, on every occasion and any occasion, the motion to strike out the enacting clause for the purpose of obtaining the floor for debate. Of late, there is rarely an instance in which a consent agreement is secured to limit debate in the Committee of the Whole but what some Member nullifies the agreement and disregards the established rules of debate by moving to strike out the enacting clause. The Member could have asked to be included at the time debate was agreed on and have had his quota of time in regular order, but he waits until all time has expired and the Committee has closed debate, as is its right, and then disrupts the proceedings by again opening the question to debate in disregard of the understanding to which all interested Members on both sides of the aisle have agreed, or by vitiating the right of those in charge of the bill to close debate. Such misuse of the motion is unwarranted and is in bad taste and verges on bad faith. If my warm,

Mar. 13, 1942, for other statements by Mr. Cannon on this subject.

personal friend from New York will indulge me by permitting me to use his recent motion as an example, in answer to my point of order, he said he had made the motion in good faith. . . .

MR. [KARL E.] MUNDT [of South Dakota]: Mr. Chairman, will the gentleman yield?

MR. CANNON of Missouri: I yield to the gentleman from South Dakota.

MR. MUNDT: Will the gentleman advise me, a new Member of the House, what other course a Member may take to get access to the floor if a situation arises such as occurred last Friday, when debate was ruthlessly closed and no time was permitted, except about 34 minutes out of the day, for Members other than committee members to introduce amendments? What other recourse does a Member have except to offer such a motion?

MR. CANNON of Missouri: That would not give a Member an opportunity to introduce an amendment, it would merely give him 5 minutes to interfere with the orderly program of the House.

MR. MUNDT: It would give him 5 minutes to present the viewpoint of his constituents.

MR. CANNON of Missouri: If the rules permitted every Member of the House time in which to present the views of his constituents, we would never be able to dispose of the business of the House in an ordinary session. Gentlemen may extend their remarks, and in full, on any bill under consideration and still keep within legitimate procedure. . . .

The right of the House to close debate is indispensable. Without it, debate would proceed endlessly. And the

right of the Committee or the proponent to close debate is axiomatic. To interfere with either right is disorderly and should be held by the Chair. . . .

. . . Whenever the motion [recommending that the enacting clause be stricken] is offered it should raise in the mind of the Chair and of the Members of the Committee the question: "What is the purpose of the gentleman in offering the motion; is the motion proposed for the purpose of discontinuing consideration of the bill, or is it offered for the purpose of securing time and disrupting the order of debate?" And when obviously offered for the latter purpose it should never be recognized.

Qualification to Oppose Motion

§ 12.11 To obtain recognition to oppose a motion to strike out the enacting clause, a Member must qualify by stating that he is opposed to the motion.

On July 20, 1951,⁽¹⁶⁾ during consideration of H.R. 3871, amendments to the Defense Production Act of 1950, Chairman Wilbur D. Mills, of Arkansas, stated the qualifications necessary for a Member seeking recognition to oppose a motion to strike out the enacting clause.

MR. [CHARLES W.] VURSELL [of Illinois]: Mr. Chairman, I offer a preferential motion.

16. 97 CONG. REC. 8539, 82d Cong. 1st Sess. See 95 CONG. REC. 5531, 81st Cong. 1st Sess., May 3, 1949, for another example of this principle.

The Clerk read as follows:

Mr. Vursell moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN: The Chair recognizes the gentleman from Michigan.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Chairman, I rise in opposition to the motion.

THE CHAIRMAN: The Chair would have to hold that he had already recognized the gentleman from Michigan. . . .

MR. MCCORMACK: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: The point is that the gentleman from Michigan, on at least two occasions, has made the same motion. . . .

Furthermore, the gentleman from Michigan has not stated that he is, in fact, opposed to the motion offered by the gentleman from Illinois.

THE CHAIRMAN: Does the gentleman from Michigan now qualify as being in opposition to the motion offered by the gentleman from Illinois?

MR. HOFFMAN of Michigan: I certainly do.

MR. MCCORMACK: Under those circumstances, I do not seek recognition.

Recognition of Opponent

§ 12.12 In recognizing a Member in the Committee of the

Whole in opposition to a motion to strike out the enacting clause, the Chair extends such recognition on the basis of the Member's opposition to the motion, and the Member's position on an amendment pending when the motion is offered is not determinative.

On Nov. 29, 1945,⁽¹⁷⁾ during consideration of H. R. 4805, the first defense appropriations bill, 1946, Chairman R. Ewing Thomason, of Texas, indicated that the Chair would not anticipate the argument a Member might make when he seeks recognition to debate a motion to strike the enacting clause.

MR. [ALBERT J.] ENGEL of Michigan: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Engel of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

THE CHAIRMAN: Is the gentleman opposed to the bill?

MR. ENGEL of Michigan: I am, Mr. Chairman, in its present form.

THE CHAIRMAN: The Chair recognizes the gentleman from Michigan.

MR. ENGEL of Michigan: Mr. Chairman, in speaking against this appro-

priation I want it distinctly understood that I am not opposed to flood control. . . .

MR. [CLIFTON A.] WOODRUM of Virginia: Mr. Chairman, I am opposed to the motion offered by the gentleman from Michigan, and I ask recognition.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TARVER: Mr. Chairman, the technical motion to strike out the enacting clause of course entitles its proponent to 5 minutes and its opponent to 5 minutes, but if the gentleman from Virginia is recognized the entire 10 minutes will be consumed in argument against the amendment which is now pending, while other members of the committee are limited to a minute and a half each. At least half of that 10 minutes, 5 minutes, ought to be given to the proponents of the amendment.

THE CHAIRMAN: The Chair cannot anticipate what the gentleman's argument will be. Besides, the gentleman from Virginia has said he is opposed to the motion offered by the gentleman from Michigan.

MR. TARVER: He is opposed to the motion and also to the amendment.

THE CHAIRMAN: The gentleman from Virginia is recognized for 5 minutes.

Recognizing Committee Member as Opponent

§ 12.13 In recognizing a Member in opposition to a motion that the Committee of the Whole rise and report a bill

17. 91 CONG. REC. 11204, 11206, 79th Cong. 1st Sess.

back to the House with the recommendation that the enacting clause be stricken, the Chair extends preference to a member of the committee handling the bill.

On Mar. 1, 1950,⁽¹⁸⁾ during consideration of H.R. 4846, relating to the National Science Foundation, Chairman Clark W. Thompson, of Texas, indicated that a member of the committee handling the bill is extended preference to oppose a motion to strike the enacting clause.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hoffman of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

MR. HOFFMAN of Michigan: . . . Now to save time, I ask unanimous consent to withdraw my motion.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I object, and claim time in opposition to the motion.

MR. [CARL] HINSHAW [of California]: Mr. Chairman, I rise in opposition to the motion.

MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HARRIS: This is a preferential motion to strike out the enacting

clause, and I believe a committee member is entitled to recognition.

THE CHAIRMAN: The gentleman is correct. The Chair recognizes the gentleman from California [Mr. Hinshaw].

Recognizing Member of Opposition Party

§ 12.14 When no member of the committee from which a bill is reported seeks recognition in opposition to a motion to strike the enacting clause, the Chair recognizes a member of a political party other than that of the proponent of the motion.

On Aug. 2, 1955,⁽¹⁹⁾ during consideration of H.R. 7718, authorizing the Capital Transit Company to surrender its franchise, Chairman Aime J. Forand, of Rhode Island, recognized a member from the Democratic Party, Elijah L. Forrester, of Georgia, to speak in opposition to a motion to strike the enacting clause. The Member who offered the motion, Clare E. Hoffman, of Michigan, and the Member who sought but was denied recognition, Donald W. Nicholson, of Massachusetts, were Republicans. No member of the committee which reported the bill sought recognition to oppose the motion.

MR. HOFFMAN of Michigan: Mr. Chairman, I offer a motion.

18. 96 CONG. REC. 2597, 2598, 81st Cong. 2d Sess.

19. 101 CONG. REC. 12997, 84th Cong. 1st Sess.

The Clerk read as follows:

Mr. Hoffman of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken. . . .

After Mr. Hoffman spoke in support of his motion and asked unanimous consent to withdraw his motion, the following proceedings occurred:

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I object, and I rise in opposition to the preferential motion.

Mr. Forrester rose and Mr. Nicholson rose.

THE CHAIRMAN: For what purpose does the gentleman from Georgia rise?

MR. NICHOLSON: Mr. Chairman, I rise to make a point of order. Two of us were seeking recognition here.

THE CHAIRMAN: The Chair is inclined to be fair. One Member on the Republican side had just spoken and therefore the Chair considered the gentleman on the other side of the aisle was entitled to recognition.

MR. NICHOLSON: I am glad the Chairman is willing to be fair.

THE CHAIRMAN: The gentleman from Georgia [Mr. Forrester] is recognized.

Speaker as Opponent

§ 12.15 The Speaker took the floor in opposition to a motion to strike out the enacting clause of a bill.

On Mar. 4, 1952,⁽²⁰⁾ during consideration of H.R. 5904, the Na-

20. 98 CONG. REC. 1829, 1830, 82d Cong. 2d Sess.

tional Security Training Corps Act, Speaker Sam Rayburn, of Texas, took the floor to debate a motion to strike the enacting clause of a bill. Speaker Rayburn opposed the motion on the ground that it would ultimately result in recommittal of the bill to committee.

THE CHAIRMAN:⁽¹⁾ The Clerk will report the motion of the gentleman from Massachusetts.

The Clerk read as follows:

Mr. [William H.] Bates of Massachusetts moves that the Committee on now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

[After debate in favor of the motion]

MR. RAYBURN: Mr. Chairman, I trust that you will not think I am speaking out of turn because I am trying to bring you the counsel of a very old friend. . . .

How many years of study have we had on this subject? I think I appointed Mr. Cliff Woodrum, of Virginia, some years ago to begin the study of this matter. The present Committee on Armed Services has taken thousands of pages of testimony and heard everybody pro and con who wanted to be heard. Why send this back for further study? Do we not have the fortitude, do we not have the courage to meet the issue today? Now is the time to meet this issue, because probably we shall never have an opportunity this year or maybe in several years to come.

1. Jere Cooper (Tenn.).

Strike the enacting clause out. Of course, as the gentleman from Massachusetts said, it is a parliamentary move to get back into the House of Representatives and then to make a motion to recommit. '

Are we not willing, do we not have judgment enough, do we doubt our ability to pass on amendments and pass on the fundamental issues here presented? If we are not ready today, when will we be ready? . . .

So let us vote down the motion in committee. Let us proceed in an orderly way and try to amend this bill. Let us not escape our responsibility, and that is what we would be doing, and whether it is amended or not, when it is adopted and the final outcome is before us, then is the time for men of judgment, men of reason, men of capacity to vote on this bill and not until that time.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Massachusetts [Mr. Bates].

MR. [CARL] VINSON [of Georgia]: Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Kilday and Mr. Bates of Massachusetts.

The Committee divided; and the tellers reported that there were—ayes 167, noes 196.

So the motion was rejected.

Effect of Recognizing Objection to Withdrawal of Motion

§ 12.16 Recognition of a Member to object to a unanimous consent request for the withdrawal of a motion in the

Committee of the Whole to strike out the enacting clause does not extend recognition to speak in opposition to the motion.

On Mar. 1, 1950,⁽²⁾ during consideration of H.R. 4846, regarding the National Science Foundation, Chairman Clark W. Thompson, of Texas, ruled on the effect of extending recognition to object to a unanimous-consent request to withdraw a motion to strike the enacting clause.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hoffman of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

MR. HOFFMAN: . . . Now, to save time, I ask unanimous consent to withdraw my motion.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I object, and claim time in opposition to the motion.

MR. [CARL] HINSHAW [of California]: Mr. Chairman, I rise in opposition to the motion.

MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. HARRIS: This is a preferential motion to strike out the enacting

2. 96 CONG. REC. 2597, 2598, 81st Cong. 2d Sess.

clause, and I believe a committee member is entitled to recognition.

THE CHAIRMAN: The gentleman is correct. The Chair recognizes the gentleman from California [Mr. Hinshaw].

MR. CASE of South Dakota: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: The gentleman from South Dakota was recognized, was he not?

THE CHAIRMAN: The gentleman was recognized by the Chair to make an objection, but not to speak.

§ 13. Debate

Debate on a motion to rise and report with the recommendation that the enacting clause be stricken out is limited to five minutes in favor thereof and five minutes in opposition.⁽³⁾

Where debate on an amendment and all amendments thereto has been fixed by a limitation of time for debate to a certain number of minutes, as distinguished from a limitation of debate on a bill and all amendments or a limitation to a time certain by the clock, the time used in debating the preferential motion to rise and report with the recommendation that the enacting clause be stricken out (five minutes for, five minutes against) does not come out of the limitation.⁽⁴⁾

3. § 13.1, *infra*.

4. See § 13.5, *infra*.

On the other hand, where time for debate on an amendment is limited to a time certain, or where a time limitation is applied to debate on the bill itself and all amendments thereto, the 10 minutes permitted for debate on such preferential motion comes out of the time remaining under the limitation and reduces the time which may be allocated to Members wishing to speak.⁽⁵⁾

Parliamentarian's Note: Although no time would be permitted for debate on the preferential motion after arrival of the time designated in an agreement limiting debate on a bill and all amendments thereto,⁽⁶⁾ a full 10 minutes of debate on the preferential motion would be allowed as long as that much time remained under such an agreement. This amount of time would be available to the proponent and opponent of the preferential motion notwithstanding an allocation of less than five minutes' time to each Member who had sought

See also §§ 12.8–12.10, *supra*, for precedents which relate to offering this motion to secure debate time, and § 15, *infra*, for precedents which relate to consideration and debate in the Committee generally.

5. See §§ 13.6 and 13.7, *infra*.

6. See § 13.7, *infra*.